



MI 6029 (US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Anteo PELLICONI et al.)
Serial No.: 10/518,882) Art Unit: 1796
Filed: December 20, 2004) Examiner: N. M. Nutter
For: IMPACT-RESISTANT POLYOLEFIN)
COMPOSITIONS)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF UNDER 37
C.F.R. §41.37

Sir:

This in response to the Notification of Non-Compliant Appeal Brief having a mailing date of August 6, 2009 (herein referred to as, "the Notice"). The one-month period to respond is set to expire on September 6, 2009. As such, this response is timely filed. In view of the following remarks, and ATTACHMENT A and ATTACHMENT B submitted herewith, Applicant respectfully believes the Notice should be withdrawn.

In particular, the Notice states that the brief mailed to the U.S. Patent and Trademark Office on May 26, 2009 does not contain a statement of the status of the amendment filed on April 3, 2009, which was subsequently entered by the Examiner. However, page 6 of the aforementioned brief entitled, "Status of the Amendments" stated, at the time of the filing of the brief, the status of the amendment was still unknown to Applicant since the Examiner had not acted on the amendment at that point in time. Accordingly, Applicant respectfully believes the brief mailed on May 26, 2009

conformed to the requirements of 37 C.F.R. §41.37, and as such, the Notice should be withdrawn.

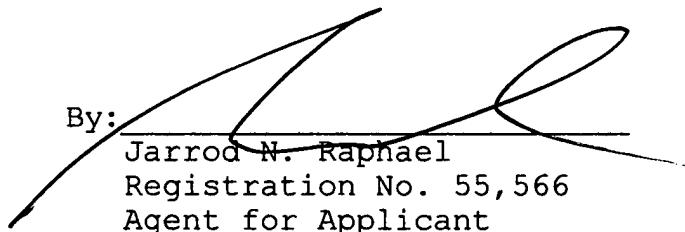
As for the objection to the Terminal Disclaimer, after discussing the Notice with the Examiner on August 18, 2009, Applicant's representative was informed that the Terminal Disclaimer was denied because the name of the "owner" in the Terminal Disclaimer was illegible, and not due to Applicant's representative's signature being illegible as alleged in the Notice. Accordingly, Applicant submits herewith another Terminal Disclaimer to U.S. Patent Application Serial No. 10/499,182 (herein referred to as, "the '182 application"). **Moreover, since Applicant has already been charged the Terminal Disclaimer fee under 37 C.F.R. §1.20(d) when Applicant filed the previous Terminal Disclaimer with respect to the '182 application, Applicant believes no fee is due with this submission.**

Moreover, Applicant has enclosed herewith a Power of Attorney and Statement Under 37 CFR §3.73(b), identified as ATTACHMENT B.

Applicant respectfully believes no fee is due with this submission. However, if a fee is due, please charge such to Deposit Account No. 08-2336.

Respectfully submitted,

By:


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop APPEAL BRIEF - PATENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2009.

John R. Gitter
Signature

August 27 2009
Date